

REMARKS

Claims 61, 64 and 67 have been amended and no claims have been canceled. No claims have been added. No new matter has been added. Claims 61-72 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims 61, 64 and 67 have been amended, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 61, 64 and 67 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 61-72 under 35 USC § 102(b) as anticipated by Radziewicz (USP 5,854,897). This rejection is respectfully traversed.

Claim 61 discloses at least two limitations that is not disclosed in Radziewicz. Claim 61, as amended, recites, “after completing downloading the video file, and **storing the video file in an ad pool.**” (emphasis added). Radziewicz does not disclose, teach or suggest this limitation.

Radziewicz discloses a few methods whereby an advertisement is transmitted to a computer over a network and then displayed on a computer. However, Radziewicz nowhere discloses storing the advertisement files in “**an ad pool**”. Specifically, Radziewicz discloses:

“Alternatively, selected announcements are retrieved and downloaded to a local storage device of the DTE 14 from the announcement server 30 by way of the NSP 16 when a connection is established between the DTE 14 and the NSP

16. Such downloaded announcements are then played/displayed on the DTE 14 as specified by the modified browser client software 26.” (col. 7, lines 11-17).

As seen from the quoted portion of Radziewicz included above, Radziewicz teaches that the advertisements may be stored on the computer, however Radziewicz does not teach “**storing the video file in an ad pool**” as disclosed in claim 61. In addition, Radziewicz nowhere teaches the limitation, “managing the ad pool such that the video file is not displayed after it has reached a predetermined play limit”. That is, while Radziewicz discloses that an advertisement can be stored on the user’s computer, Radziewicz nowhere discloses storing the advertisement file “in an ad pool” and further wherein the ad pool is managed “such that the video file is not displayed after it has reached a predetermined play limit”. Therefore, because Radziewicz does not disclose, teach or suggest the limitations of claim 61, claim 61 is patentable over Radziewicz.

Independent claims 64 and 67 also include the limitation of claim 61 that recites, “after completing downloading the video file, and **storing the video file in an ad pool**.” As stated above, Radziewicz does not disclose this limitation. As such, claims 64 and 67 are patentable over Radziewicz.

By virtue of their dependency on claims 61, 64 and 67, claims 62-63, 65-66, 68-69 and 70-72 are patentable over Radziewicz. Accordingly, it is respectfully requested that the 102 (b) rejection of claims 61-72 be withdrawn.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

Appl. No. 10/810,464
Amdt. Dated 11/22/2007
Response to Office action dated 8/22/2007

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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Date: November 22, 2007

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